

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-24-516-R
)	
JENNIFER BAXTER,)	
ALESHA INGRAM,)	
PAULA KELLEY,)	
VINCENT MATTHEWS,)	
MELISSA MELTON, and)	
LYNNSEE NOEL,)	
)	
Defendants.)	

**DEFENDANTS JENNIFER BAXTER AND VINCENT MATTHEWS’
MOTION FOR BILL OF PARTICULARS**

COMES NOW Defendants, Jennifer Baxter (“Ms. Baxter”) and Vincent Matthews (“Mr. Matthews”), by and through the undersigned counsel of record, and respectfully submit this Motion for Bill of Particulars. (Dkt. No. 81). This request for a bill of particulars, seeking greater specificity in the allegations of the Government’s Indictment [Dkt. No. 1], will adequately apprise Ms. Baxter and Mr. Matthews of the scope of the Government’s allegations and allow them to properly prepare their defense and avoid unfair and prejudicial surprise at trial.

Pursuant to Federal Rule of Criminal Procedure 7(c), an indictment “must be a plain, concise, and definite written statement of the essential facts constituting the offense charged[.]” In the event the essential facts constituting the offense charged cannot be gleaned from the indictment, Fed. R. Crim. P. 7(f) provides that the Court may direct the filing of a bill of particulars upon the motion of a defendant, filed before or within fourteen days after arraignment, unless the Court permits a later filing. “The purpose of a bill of particulars is to inform the defendant of the charge against him with sufficient precision to allow him to prepare his defense.” *United States v. Ivy*, 83

F.3d 1266, 1281 (10th Cir. 1996). The determination as to whether a bill of particulars should be provided to a defendant is within the broad discretion of the trial court. *See Will v. United States*, 389 U.S. 90, 98-99, 88 S. Ct. 269, 275 (1967) (“[F]ederal trial courts have always had very broad discretion in ruling upon requests for [bills of particulars].”).

In the present case, Ms. Baxter and Mr. Matthews are charged in Count One of the above-captioned Indictment [Dkt. No. 1] with Deprivation of Rights under Color of Law in violation of 18 U.S.C. § 242. Count One alleges that Ms. Baxter and Mr. Matthews knew that K.T. faced a risk of serious physical harm at the hands of other inmates and acted with deliberate indifference to a substantial risk of serious harm to K.T., resulting in bodily injury to K.T. However, Count One fails to state any of the alleged overt acts or omissions necessary to support the Government’s charge that Ms. Baxter and Mr. Matthews acted with deliberate indifference to a substantial risk of serious harm to K.T.

Ms. Baxter and Mr. Matthews are charged in Count Two of the above-captioned Indictment [Dkt. No. 1] with Deprivation of Rights under Color of Law in violation of 18 U.S.C. § 242. Count Two alleges that Ms. Baxter and Mr. Matthews knew that K.T. had serious medical needs and acted with deliberate indifference to a substantial risk of serious harm to K.T., resulting in the death of K.T. However, Count Two fails to state any of the alleged overt acts or omissions necessary to support the Government’s charge that Ms. Baxter and Mr. Matthews acted with deliberate indifference to a substantial risk of serious harm to K.T.

The Indictment [Dkt. No. 1] in this case suffers from a lack of particularity, which must be remedied. Ms. Baxter and Mr. Matthews were arraigned on December 5, 2024. *See* Dkt. No. 15. This Motion is submitted within fourteen days of arraignment, making this Motion timely. *See* Fed. R. Crim. P. 7(f). As such, Ms. Baxter and Mr. Matthews respectfully request the Court order

the Government to file a bill of particulars detailing some basic facts to properly place Ms. Baxter and Mr. Matthews on notice of what they are alleged to have done. The information sought by this Motion for Bill of Particulars is entirely necessary to permit Ms. Baxter and Mr., Matthews to prepare a defense to the charges of Deprivation of Rights under Color of Law, as alleged in Counts One and Two of the Indictment [Dkt. No. 1].

RELIEF REQUESTED

Ms. Baxter and Mr. Matthews respectfully request that the Government provide in the form of a bill of particulars:

1. The act(s) or omission(s) that the Government intends to prove, which constitute that Ms. Baxter and Mr. Matthews deprived K.T. of her constitutional or other federal rights under color of law, as alleged in Counts One and Two of the Indictment [Dkt. No. 1];
2. A specific articulation of Ms. Baxter's and Mr. Matthews' role in the alleged deprivation of rights under color of law;
3. A specific articulation of Ms. Baxter's and Mr. Matthews' knowledge regarding the "risk of serious physical harm at the hands of other inmates" facing K.T., as alleged in Paragraph 10 of the Indictment [Dkt. No. 1], including how Ms. Baxter and Mr. Matthews came to be charged with such knowledge;
4. A specific articulation of how Ms. Baxter and Mr. Matthews "willfully failed to take reasonable measures to abate the risk" of serious harm to K.T., as alleged in Paragraph 10 of the Indictment [Dkt. No. 1];
5. A specific articulation of Ms. Baxter's and Mr. Matthews' knowledge regarding the "serious medical needs" that K.T. had, as alleged in Paragraph 12 of the Indictment [Dkt. No. 1], including how Ms. Baxter and Mr. Baxter came to be charged with such knowledge;

6. A specific articulation of how Ms. Baxter and Mr. Matthews “willfully failed to ensure that K.T. was provided with necessary medical care,” as alleged in Paragraph 12 of the Indictment [Dkt. No. 1].

CONCLUSION

WHEREFORE, Defendants, Jennifer Baxter and Vincent Matthews, respectfully request this Court grant their Motion for Bill of Particulars (Dkt. No. 81).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants.

/s/ Peter L. Scimeca

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